

REMARKS

Claims 1 – 3 stand rejected under 35 U.S.C. § 112, second paragraph.

Applicants respectfully disagree and request that the rejection be withdrawn for the following reasons.

With regard to claim 1, Applicants respectfully submit that the amendment to the claim has obviated this rejection which should therefore be withdrawn.

With regard to claim 2, Applicants respectfully submit that the value of the N variable in R definition is defined as N is "0 to 3".

With regard to claim 3, Applicants respectfully submit that the amendment to the claim has obviated this rejection which should therefore be withdrawn. Applicants note that one skilled in the art would know that O and S, as defined in R' exist as OH and SH. See, for example, synthetic synthesis set forth on pages 9 – 10 of the specification.

Claims 1 – 3 stand rejected under 35 U.S.C. § 102(b), as being anticipated by Kishimoto et al. (U.S. 5,180,738).

Applicants respectfully disagree and request that the rejection be withdrawn for the following reasons.

Applicants note that they have reviewed the entire Kishimoto document, including columns 12 – 50 and examples 1 – 77, and respectfully submit that the claimed compounds are not taught by the reference. Accordingly, there can be no anticipation and the rejection should be withdrawn.

In view of the above and foregoing, it is respectfully submitted that the claims now on file are believed to be in condition for allowance, and prompt and favorable action is earnestly solicited. Should there be any question concerning this response or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

U.S. Application Serial No.: 10/783,986

Office Action Mailed: 10/05/2005

Amendment Filed: 01/05/2005

FEE AUTHORIZATION

The Commissioner is authorized to charge fee deficiencies or credit overpayments associated with this submission to the NIXON PEABODY LLP Deposit Account No. 50-0850.

Date: 1/5/, 2005

Respectfully submitted,



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In re application of: Ronit Satchi-Fainaro et al.

Serial No.: 10/783,986

Group No.: 1624

Filed: February 19, 2004

Examiner: BALASUBRAMANIAN, V.

For: TNP470 SPECIES, POLYMER CONJUGATES AND USE THEREOF



REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed:

- (1) within three (3) months of the Filing Date or **before the mailing date of the First Office Action** on the merits; or
- (2) within three months of the mailing date of the PCT International Search Report; or
- X (3) after the period defined in (1) but before the mailing date of a **Final Rejection** or **Notice of Allowance**, and the requisite Certification or fee under Rule 1.17(p), namely **\$180.00**, is included herein; or
- (4) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, and the requisite Certification, petition, and petition fee are included herein.

It is respectfully requested that each of the documents shown on the attached form(s) PTO-1449 be made of record in this application. Copies of these documents (CHECK ONE):

- X are enclosed herewith; and
- have been cited in the parent application, and are thus not being resubmitted herein.

Early examination and allowance of the present application are respectfully solicited.

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FEE AUTHORIZATION

Should any fees associated with the submission be required, the Commissioner is authorized to charge the missing fee to our Deposit Account No. 50-0850. Any overpayments should be credited to said Deposit Account.

Respectfully submitted,



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Date: January 5, 2005